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Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Universal periodic review

Operations of the Voluntary Fund for Financial and Technical Assistance in the Implementation of the Universal Periodic Review

Report of the Office of the United Nations High Commissioner for Human Rights

GE.16-05870(E)

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I. Introduction

A. Submission of the report

1. The present report is submitted in accordance with Human Rights Council decision 17/119, in which the Secretariat was requested to provide an annual written update on the operations of the Voluntary Fund for Financial and Technical Assistance in the Implementation of the Universal Periodic Review and on the resources available to it. The report was prepared by the Secretariat in consultation with the Board of Trustees of the Fund and approved by the Board. The report provides an overview of contributions and expenditure as at 31 December 2015, together with a description of action taken since the submission of the previous report (A/HRC/29/22) to operationalize the Fund. It also provides a description of the results achieved through the various activities funded by the Voluntary Fund during 2015.

B. Background

2. In its resolution 6/17, the Human Rights Council requested the Secretary-General to establish a voluntary fund for financial and technical assistance in order to provide, in conjunction with multilateral funding mechanisms, a source of financial and technical assistance to help countries implement recommendations emanating from the universal periodic review in consultation with, and with the consent of, the country concerned. In its resolution 16/21, the Council requested that the Voluntary Fund be strengthened and operationalized in order to provide a source of financial and technical assistance to help countries, in particular least developed countries and small island developing States, to implement the recommendations emanating from their review. The Council also requested that a board of trustees be established in accordance with the rules of the United Nations.

3. The Voluntary Fund was established in 2009. The Office of the United Nations High Commissioner for Human Rights (OHCHR) has continued to operationalize the Fund by providing financial and technical assistance to States that have requested or consented to receiving support. Support has been provided in the spirit of the founding resolution of the universal periodic review, in which it is stated that the objectives of the review include the improvement of the human rights situation on the ground (Human Rights Council resolution 5/1, annex, para. 4 (a)), the fulfilment of the State's human rights obligations and commitments (ibid., para. 4 (b)) and the enhancement of the State's capacity and of technical assistance, in consultation with, and with the consent of, the State concerned (ibid., para. 4 (c)).

II. Operationalization of the Voluntary Fund

A. Board of Trustees of the Voluntary Fund

4. The members of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights are also the constituent members of the Board of Trustees for the Voluntary Fund for Financial and Technical Assistance in the Implementation of the Universal Periodic Review (see A/HRC/29/22, para. 4). They are tasked with overseeing the management of the latter Fund. The members are Marieclaire Acosta Urquidi (Mexico), Christopher Sidoti (Australia), Lin Lim (Malaysia), Esi Sutherland-Addy (Ghana) and Ilze Brands Kehris (Latvia). Ms. Brands Kehris was

appointed to the Board on 17 February 2015, replacing Valeriu Nicolae (Romania), who resigned in January 2015. The Board elected Ms. Lim as Chair for the period 30 June 2015 to 30 June 2016; at the end of her term she will be replaced by Mr. Sidoti, who was elected as Chair by the Board at its fifth session, held in Geneva in February 2016.

5. In close consultation with the various sections of OHCHR, the Board of Trustees focuses its attention on broadly guiding the operationalization of the Voluntary Fund for Financial and Technical Assistance in the Implementation of the Universal Periodic Review by providing policy advice.

6. Since the submission of the previous report, the Board of Trustees has met only once, having cancelled the scheduled second session in 2015 as a contribution towards the OHCHR expenditure reduction efforts. At the session that was held, its fifth, the Board provided OHCHR with policy guidance aimed at maximizing the effectiveness of technical assistance and financial support provided to States in implementing at the country level recommendations emanating from the universal periodic review and other international mechanisms.

7. During the session, the Board of Trustees welcomed information that the OHCHR follow-up support strategy focusing on national follow-up mechanisms and processes at the country level was having a sustained impact. The Board indicated that it was particularly impressed by a pilot monitoring database designed to easily transfer from the Universal Human Rights Index into a national monitoring database the recommendations from all international human rights mechanisms, including treaty bodies, special procedures and the universal periodic review, relevant to a particular country. The pilot database has several key functions, including the possibility to cluster thematically all recommendations, which helps to facilitate coherent implementation. It also provides the opportunity to monitor progress in implementation not only by the Government but also by other stakeholders. This national monitoring database is currently in the final phase of testing, and will be offered free of charge to States upon request in the near future.

8. During the session, the Board of Trustees also had an opportunity to discuss with OHCHR how the latter could provide more effective support to States in order for them to achieve sustained impact. The Board was of the view that OHCHR should continue to focus on the area of strengthening national follow-up mechanisms and processes. While commending the continuation and expansion of those efforts, the Board also strongly encouraged OHCHR to explore ways to provide more focused technical assistance and cooperation aimed at assisting States in implementing specific key human rights recommendations and in addressing specific issues.

B. Strategic vision

9. As noted in previous reports (A/HRC/26/54 and A/HRC/29/22), OHCHR has been developing the capacity to provide increased support to States in their efforts to implement the outcome of the universal periodic review, including through the operationalization of the Voluntary Fund. That effort has included an integrated approach to supporting the implementation of recommendations emanating from all international human rights mechanisms.

10. OHCHR has revitalized its strategic vision for follow-up to the universal periodic review to make it more proactive, systematic and results-oriented. This revitalized vision has enabled OHCHR to provide more effective support to States on the ground, either directly or by ensuring the integration of support in United Nations country team programming on follow-up, to enable States to achieve concrete results for the promotion and protection of human rights.

11. As noted in the previous report, OHCHR has focused its support on establishing and/or strengthening national mechanisms and processes for follow-up. Key elements identified for more effective follow-up at the national level include a well-functioning inter-institutional body, together with an implementation action plan that clearly identifies achievable results and priorities, national government agencies responsible for implementation, and indicators and timelines against which to measure impact. Furthermore, OHCHR has been providing support with respect to key thematic issues contained in such implementation action plans that have been identified as priorities.

12. OHCHR has continued to document good practices; these serve as a vital tool for States, which can adopt them and adapt them to their respective national contexts and conditions in order to more effectively implement the recommendations of international human rights mechanisms.

III. Results achieved through the implementation of activities supported by the Voluntary Fund during 2015

13. The present section provides examples of the results achieved through a range of activities aimed at supporting States in implementing the recommendations of international human rights mechanisms in an integrated manner on the ground.

14. In Afghanistan, technical assistance and capacity-building was provided to the Human Rights Support Unit of the Ministry of Justice. In cooperation with the United Nations Development Programme, through its Justice and Human Rights in Afghanistan project, a five-day training programme was held for specialists in the Unit. The aim was to provide technical support and capacity-building assistance to help the Government properly address substantial gaps in its ability to implement the recommendations and concluding observations of United Nations human rights mechanisms, in particular recommendations emanating from the universal periodic review. During the training programme, the national action plan (2013-2017), was examined, with a focus on main bodies and partners for implementation, challenges and opportunities. Close cooperation between the Unit and the Afghanistan Independent Human Rights Commission was also discussed. A national consultant was recruited to assist the Unit in reviewing Afghan laws in the light of international human rights standards and identifying necessary amendments.

15. Using the framework of United Nations country programming and drawing on the experience of cooperation with Barbados in 2015, OHCHR has extended cooperation to English-speaking Eastern Caribbean States, through which support was provided to national human rights institution and universal periodic review focal points based in the Office of the United Nations Resident Coordinator in Barbados and in the Organization of Eastern Caribbean States.

16. In Bosnia and Herzegovina, the relevant authorities have moved towards the establishment of an effective mechanism for integrated reporting and follow-up to the recommendations of United Nations human rights mechanisms. The human rights adviser engaged with the Ministry for Human Rights and Refugees in order to raise the issue of integrated reporting and follow-up to recommendations from human rights mechanisms and the development of a priority list of activities. The adviser clustered universal periodic review recommendations for the Ministry and presented a proposal for integrated reporting as a follow-up to the drafting of the State's report for the second cycle of the universal periodic review. The adviser has also played a key role in coordinating joint submissions of the United Nations country team to the United Nations human rights mechanisms.

17. In Chad, the Unit of the Human Rights Adviser and the Ministry of Justice and Human Rights, through its general directorate of human rights, together with the

interministerial committee, organized meetings on the establishment of a timetable for the preparation of reports due for submission, on strategies for better monitoring of the implementation of recommendations emanating from the universal periodic review and on the need for capacity-building programmes for members of the Interministerial Committee. Support has been provided to the Interministerial Committee in developing its action plan for the universal periodic review, including support for three workshops targeting, respectively, the Government focal points, the technical and financial partners and civil society organizations.

18. In Costa Rica, the OHCHR Regional Office for Central America continued to enhance the functioning of the existing inter-institutional commission to implement recommendations from human rights mechanisms, and provided technical advice on prioritized recommendations.

19. In the Dominican Republic, progress was made in developing a national human rights action plan; the process was officially initiated in March 2015. A series of consultations at the national and regional levels was completed and several drafts of the plan were circulated among and discussed with civil society organizations and State entities. The support provided by the Voluntary Fund increased the human rights adviser's capacity to assist the Government and civil society organizations during the process. Comments and recommendations on the process and the content of the plan were submitted regularly to the Government for consideration and further action. A systematization of the main recommendations emanating from the human rights treaty bodies and the universal periodic review and an initial proposal to adopt a mechanism to follow up on the plan's implementation were completed. The official launch of the plan was postponed to 2016.

20. Through the work of the human rights adviser deployed in the State, Jamaica updated its common core document and subsequently increased compliance and engagement with international human rights mechanisms. A number of reports have been submitted to human rights treaty bodies and for the universal periodic review. The support provided by the Voluntary Fund enhanced the capacity of the Ministry of Foreign Affairs and Foreign Trade and the interministerial committee to meet the State's reporting obligations in accordance with international obligations and standards, as recommended to the Government during the universal periodic review.

21. In Kazakhstan, the technical assistance and support provided was aimed at continuing to raise awareness among rights holders and duty bearers about the holistic approach to follow-up to recommendations of human rights mechanisms through a comprehensive national human rights action plan and the establishment of a national mechanism for reporting and follow-up. In particular, in order to increase understanding and knowledge among State authorities, a national workshop was held on best practices related to national human rights action plans and national mechanisms for reporting and follow-up. Training on standards for preventive visits was provided to 145 newly elected members of the national preventive mechanism in order to strengthen the capacity of the mechanism. Efforts have been made to amend the law on national preventive mechanisms to expand the mandate of the mechanism.

22. In Kenya, at the request of the Government, Voluntary Fund resources were used to co-fund a three-day national consultation process, held in September 2015, on the implementation of universal periodic review recommendations. The process was led by the Government, with the support of OHCHR, and included the participation of civil society and the Kenya National Commission on Human Rights. The objectives included developing an implementation plan with provisions for a monitoring mechanism for approval by the Cabinet. The process of finalizing the implementation plan is ongoing.

23. The former Yugoslav Republic of Macedonia established an expert working group within the national mechanism for reporting and follow-up, mandated with providing substantive support to the Government inter-sectoral body on human rights established following its first universal periodic review. In 2015, the inter-sectoral body familiarized itself with the international human rights system, integrated implementation of recommendations, and the rights-based approaches and capacities such a mechanism requires to ensure effective implementation of the country's human rights obligations and the recommendations issued by international mechanisms.

24. In Mali, the authorities have been assisted in preparing an action plan to implement universal periodic review recommendations. A workshop on the universal periodic review was held for representatives of Malian institutions, United Nations agencies and non-governmental organizations. During the workshop participants recommended that a single national body be established by merging various interdepartmental committees that already existed in the country.

25. In Mauritania, the interministerial technical committee on cooperation with human rights mechanisms finalized in July the State's report for the second cycle of the universal periodic review. On the basis of the project funded by the Voluntary Fund, the Government was able to complete all training and capacity-building activities, and shared the draft universal periodic report with the Parliament and civil society organizations in an effort to make the process more inclusive and participatory.

26. In Nigeria, assistance was provided to the Government to strengthen the interministerial committee and, with the support of a consultant, a national action plan on implementing universal periodic review recommendations was designed and adopted in collaboration with stakeholders, including the National Human Rights Commission and civil society actors.

27. The OHCHR Regional Office in Central America, in cooperation with the United Nations Children's Fund (UNICEF), has provided assistance to the National Directorate of Civil Registry of the Electoral Tribunal. A joint programme was implemented to promote registration among Ngabe-Bugle indigenous peoples of Mama Tata living in remote areas that have traditionally refused to register births, as well as to provide identity documents for members of those communities. The Regional Office and the Electoral Tribunal conducted an investigation to identify the reasons for the communities' reluctance to register births. The project included trust-building activities between the Electoral Tribunal and Mama Tata religious leaders followed by registration missions, reaching eight communities in the Chiriquí and Bocas del Toro areas.

28. In Paraguay, technical assistance has been provided to State institutions to implement prioritized recommendations in three thematic areas and to enhance the capacity of the Ministry of Foreign Affairs, the Ministry of Justice and the Human Rights Network of the Executive Branch to strengthen the State's capacity to follow up on, monitor and report on the implementation of international human rights recommendations, particularly through the use and consolidation of the system for monitoring recommendations, a database referred to by the Spanish acronym "SIMORE". The support of the Voluntary Fund triggered cooperation to facilitate the implementation of recommendations on combating poverty, enhancing the participation of indigenous peoples in discussions affecting them and promoting the rights of persons with disabilities. With the use of SIMORE and in compliance with the provisions of the Convention on the Rights of Persons with Disabilities and related international recommendations, technical assistance was provided for the development of a national action plan on the rights of persons with disabilities, which was adopted in November 2015; OHCHR also supported the plan's dissemination. The plan was designed with the active participation of civil society and the National Commission on the Rights of Persons with Disabilities. It serves as a good

example of how international commitments and recommendations can be translated into government action.

29. The OHCHR Regional Office for South America has been implementing a regional project to support the follow-up of universal periodic review recommendations through United Nations development assistance in Argentina, Brazil, Chile, Peru and Uruguay. In 2015, Ecuador was added to the regional project. By integrating a national universal periodic review adviser in the United Nations Resident Coordinator offices in each of those countries, support has been provided for: (a) the establishment of national coordination bodies for reporting to United Nations human rights mechanisms and for following up on their recommendations in a holistic manner, on the basis of thematically clustered and prioritized recommendations; (b) the sharing of practices regarding the development of frameworks and benchmarks, as well as support for national efforts to monitor and report on progress in the implementation of universal periodic review recommendations; and (c) the integration of recommendations into ongoing and new United Nations development assistance frameworks as well as the implementation of programmes at the country level. Through targeted collaboration with Resident Coordinators, the Regional Office has advanced considerably in mainstreaming anti-discrimination standards. Regional strategies were shared during the regional meeting held in Chile for national universal periodic review advisors, the United Nations Resident Coordinators and other United Nations officials. Regional seminars and specific technical advice were provided for government officials and parliamentarians of Argentina, Brazil, Chile, Ecuador, Peru and Uruguay, enhancing their capacity to follow up on universal periodic review recommendations through agreements on strategies and methodologies for clustering recommendations. Furthermore, in those same countries the capacity of national human rights institutions and civil society organizations was strengthened through numerous workshops and training sessions on strategies relating to the universal periodic review, in particular on following up on recommendations and/or preparing mid-term reports.

30. In Senegal, technical assistance was provided to the technical committee that reviewed the national action plan for the implementation of the recommendations of international human rights mechanisms, including the universal periodic review. By the end of 2017, at least 20 per cent of the reports will be substantially or fully in line with the reporting guidelines, increasing the State's compliance with its reporting obligations to treaty bodies, as well as its participation in the universal periodic review process.

31. In Seychelles, the National Council for Children delivered training to 66 multisectoral trainers from the Ministry of Health, the Ministry of Education, the department of social services and various police departments with a view to strengthening the capacity of law enforcement officials. In order to improve the State's juvenile justice system, an analysis of current practices in juvenile justice and of the development of a standard operating procedures manual and monitoring and evaluation mechanisms was also undertaken.

32. In Solomon Islands, support was provided through the deployment of a National United Nations Volunteer in the Ministry of Justice and Legal Affairs, who worked closely with relevant government entities, civil society organizations, United Nations agencies and regional organizations in order to promote and support the establishment of an interministerial coordinating committee in charge of reporting to international human rights mechanisms. A Government-led universal periodic review task force has been established; it conducted regional consultations in several provinces, gathering information from key stakeholders. Consultations ensured an inclusive and participatory process, strengthening ownership of the process and identifying strategies for national and local responses to address the human rights gaps.

33. In Sudan, 25 representatives from the Justice Committee, the Justice, Truth and Reconciliation Commission and the Embassy of the United States of America in Khartoum participated in a workshop on transitional justice. Sessions at the workshop were aimed at enhancing the participants' knowledge of national and international justice mechanisms and participants' skills in incorporating transitional justice techniques effectively in their line of work. A second workshop was held in January 2016 for members of the reconciliation committee. Activities were also carried out to strengthen the rule of law in the Darfur region.

34. In Tajikistan, technical assistance was provided to the Government to strengthen the structure and capacity of the inter-agency commission on implementation of international obligations in the field of human rights, the body functioning as a national coordination mechanism. A regulation drafted to expand the role of civil society and enhance the commission's functions in monitoring and coordinating follow-up to recommendations is pending approval by the President. Six consultative meetings were held on the implementation of universal periodic review recommendations from the first cycle, as was a public consultation on the national report for the universal periodic review, with the participation of more than 50 representatives of State authorities and the broad involvement of civil society.

35. In Timor-Leste, a broad-based national directive commission composed of representatives of the Government, the national human rights institution, civil society and the private sector was established in 2014 to draft a national human rights action plan. Support was provided to increase the capacity of that commission to draft the plan through an inclusive and participatory process. Some progress has been made in this regard, and a draft baseline study on the current human rights situation has been prepared by members of the commission, led by the Ministry of Justice, through its National Directorate for Human Rights and Citizenship, and including representatives from Government, civil society and the Provedoria for Human Rights and Justice. The study was prepared on the basis of desk research, following previously set guidelines.

36. In Thailand, the Ministry of Justice has taken the lead in preparing for the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Support in this regard has been provided to the Ministry with a view to increasing awareness and understanding among the agencies concerned, and a workshop on the implication of ratifying the Optional Protocol was held for government officials.

IV. Financial situation of the Voluntary Fund

Table 1

Statement of income and expenditure for the period 1 January-31 December 2015

(United States dollars)

Income or expenditure	*Total*
Income	
Voluntary contributions received from Governments	448 025.10
Miscellaneous and interest income	-9 413.50
Total income	**438 611.60**

Income or expenditure	*Total*
Expenditure	
Staff costs	121 070.12
Fees and travel of experts and consultants	461 793.98
Staff travel	59 301.48
Travel of representatives	37 569.82
Contractual services	28 884.00
General operating expenses	1 699.90
Supplies and materials	17 994.00
Grants, contributions and seminars	445 816.90
Programme support costs	152 636.92
Total expenditure	**1 553 357.00**
Net excess (shortfall) of income over expenditures for the period	**-888 155.52**
Opening balance on 1 January 2015	**1 852 672.51**
Miscellaneous adjustments/savings/refunds to donors	**0.00**
Total fund balance as at 31 December 2015	**964 516.99**

Table 2

Contributions to the Voluntary Fund for Financial and Technical Assistance in the Implementation of the Universal Periodic Review, from the establishment of the Fund to 31 December 2015

(United States dollars)

Donor	*Contribution*
Year 2008/09	
Colombia	40 000
Russian Federation	450 000
United Kingdom of Great Britain and Northern Ireland	45 326
Biennium 2010-2011	
Germany	148 148
Morocco	500 000
Russian Federation	200 000
United Kingdom of Great Britain and Northern Ireland	133 707

Donor	*Contribution*
Biennium 2012-2013	
Australia	387 580
Germany	475 664
Kazakhstan	9 975
Norway	849 114
Biennium 2014-2015	
Germany	242 843
Kazakhstan	53 890
Netherlands	30 000
Norway	601 732
Oman	10 000
Total contributions	**4 585 913**

37. Table 1 shows the detailed financial situation of the Voluntary Fund as at 31 December 2015 (statement of income and expenditure).

38. Since the establishment of the Voluntary Fund in 2009, 10 countries have made financial contributions: Australia, Colombia, Germany, Kazakhstan, Morocco, the Netherlands, Norway, Oman (pledges only), the Russian Federation and the United Kingdom of Great Britain and Northern Ireland. Table 2 provides an overview of all contributions received for the reporting period, from the establishment of the Voluntary Fund to 31 December 2015. Additional financial contributions from Germany in the amount of $109,649 were received during the period January-March 2016.

39. As noted above, the revitalized OHCHR strategic vision for universal periodic review follow-up, which enables OHCHR to provide to States systematic support that focuses on national follow-up mechanisms and processes, has started achieving sustained impact in a number of countries. It is expected that the demand for financial support from the Voluntary Fund will continue to increase during the next biennium. Hence, it is critical to expand the donor base of the Fund and to obtain further funding in order to sustain and ensure the universal application of the new strategic vision for follow-up to all Member States, in line with the universality principle of the universal periodic review mechanism.

V. Conclusions

40. The primary responsibility for implementing recommendations of international human rights mechanisms at the country level rests with States. Hence, securing the political will and enhancing the ability of States to bring about tangible results is vital to meeting the key objectives of the universal periodic review, namely, improvement of the human rights situation on the ground. With a view to achieving these objectives, the Voluntary Fund has continued to serve as a valuable source of support for countries in the implementation of the recommendations emanating from their universal periodic review.

41. As demonstrated above, the revitalized OHCHR strategic vision for universal periodic review follow-up, which is more proactive, systematic and results-oriented, has enabled OHCHR to provide systematic support to States in fulfilling their primary responsibility to implement universal periodic review recommendations. Sustained impact with tangible results have been achieved through focused support in establishing and/or strengthening national follow-up mechanisms and processes, including support for the establishment of inter-institutional bodies, for the drafting of achievable implementation action plans and for the implementation of priority thematic recommendations identified in such implementation action plans.

42. OHCHR support to help national follow-up mechanisms and processes function more effectively has gained initial traction; it is important to maintain the momentum by continuing to support States in fulfilling their commitments to implement priority thematic human rights recommendations accepted during their universal periodic review. In this regard, it is also essential that States be provided with a range of tools that facilitate implementation of those recommendations.

43. It is also important that an integrated approach to follow up on the recommendations of international human rights mechanisms, including those of treaty bodies, special procedures and the universal periodic review, continue to be applied as broadly and systematically as possible. This will help States to achieve further concrete results in the promotion and protection of human rights on the ground.

44. Continued efforts to document emerging promising practices on universal periodic review follow-up should be made in close coordination with various actors, including civil society organizations. OHCHR continues to pay priority attention to the need to share these good practices as broadly as possible. OHCHR will further dedicate some of the financial resources of the Voluntary Fund to efforts to develop various tools for more effective follow-up on the ground, for example with respect to enhancing the functions of the Universal Human Rights Index and developing the national monitoring database adapted from the Index.

45. It should be re-emphasized that the active participation of other stakeholders in the follow-up process, which is key to achieving sustained impact, must be secured and encouraged.

46. It is vital that more contributions be made to the Voluntary Fund in order to ensure the sustainability of support to States in implementing the recommendations of the international human rights mechanisms. The Board has encouraged OHCHR to proactively engage in further targeted efforts aimed at increasing resource mobilization for the Voluntary Fund. More regular accounting updates will be provided to the Board to ensure proper oversight.

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Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up to and implementation of the Durban Declaration and Programme of Action

Panel discussion on the incompatibility between democracy and racism

Report of the United Nations High Commissioner for Human Rights

Summary

The present report is submitted pursuant to Human Rights Council resolution 29/20. It provides a summary of the panel discussion on the incompatibility between democracy and racism, held on 18 March 2016, during the thirty-first session of the Council.

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I. Introduction

1. Pursuant to its resolution 29/20 entitled "The incompatibility between democracy and racism", the Human Rights Council convened a panel discussion on the 18 March 2016 to identify challenges and good practices in relation to human rights and challenges to democratic values posed by extremist political parties, movements and groups; the role of governments, public authorities and political leaders in the effective prevention and elimination of racism and racial discrimination and in the protection of vulnerable groups; and transparent and accountable governance for the prevention and elimination of racism and racial discrimination.[1]

2. In its resolution 29/20, the Human Rights Council requested the United Nations High Commissioner for Human Rights to prepare a report on the panel discussion in the form of a summary and to submit it to the Council at its thirty-second session. The present report was prepared pursuant to that request.

3. The panel discussion was chaired by the Vice-President of the Human Rights Council, Negash Kebret Botora. The United Nations Deputy High Commissioner for Human Rights, Kate Gilmore, delivered the opening address. The panel discussion was moderated by Yvette Stevens, Permanent Representative of Sierra Leone to the United Nations Office and other international organizations in Geneva. The panellists were Ronaldo Crispim Sena Barros, Special Secretary for the Promotion of Racial Equality Policies of Brazil; Jerome Jamin, Professor at the Law Faculty of Liège University, Belgium, and Emine Bozkurt, Member of the Board of Advisers of the International Institute for Democracy and Electoral Assistance and former Member of the European Parliament (2004-2014).

II. Opening statement

4. In her opening statement, the United Nations Deputy High Commissioner for Human Rights noted that, in many parts of the world, we have witnessed a resurgence of movements expressing racial, religious, national or ethnic hatred. She expressed concern about some political leaders who actively and publicly advocated xenophobia and scapegoated the most vulnerable communities. Some national newspapers as well as members of Parliament and political campaigners had indulged in the stigmatization of refugees and migrants, referring to them as "organized invaders", blogged about alleged negative characteristics and disproportionate influence of specific minority groups and devised political posters depicting the need to kick immigrants out of their countries.

5. While the current scale of migration represented a challenge, some leaders have declared, for instance, that only people of a certain religion can apply for residency in their countries.

6. For women and girls, gender discrimination compounded the pernicious impact of these forms of discrimination.

7. The Deputy High Commissioner affirmed that racism conflicted fundamentally with the central principles and values of democracy. A society that did not fully respect and protect the equal rights of all individuals to participate in public life and decision-making was not fundamentally a democratic society. The respectful accommodation of ethnic,

[1] All written contributions to the discussion are available at https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/31stSession/Pages/OralStatement.aspx?MeetingNumber=48&MeetingDate=Friday%2c%2018%20March%202016.

racial, religious and political differences was among the objectives of democratic societies, thus individuals had to be provided with full and equal protection.

8. The Deputy High Commissioner also underlined that education had a fundamental role in eliminating racial and other negative stereotypes and encouraged States to use all opportunities, including those provided by the Internet and social media, to counter the dissemination of ideas based on racial superiority or hatred and to promote the values of equality, non-discrimination, diversity and democracy.

9. Effective judicial protection and remedies for victims of racial discrimination were also fundamental. States had the obligation to duly prosecute and sanction those responsible for racist and xenophobic violence. They should also introduce provisions that indicated that the commission of an offence with a racist or xenophobic motivation or aim constituted an aggravating circumstance would result in heavier sanctions. Moreover, all racial, national and ethnic groups should be represented in all local and national institutions.

10. The Deputy High Commissioner highlighted the responsibility of political parties, platforms and organizations to take decisive action against racist discourse and encouraged them to develop internal disciplinary measures against public statements and actions that encouraged or incited racism, racial discrimination, xenophobia and related intolerance.

11. Lastly, the Deputy High Commissioner urged all States to demonstrate both political and moral leadership in fighting racial discrimination and xenophobia more vigorously. States should promote diversity as the greatest force for the enrichment of humanity as a whole that enabled the foundation for freedom and co-existence.

III. Statements by panellists

12. The panellists emphasized that racism and racial discrimination were serious obstacles to the full enjoyment of human right for minorities and vulnerable groups and stressed that preserving and consolidating democracy was essential in order to prevent and combat racism, racial discrimination, xenophobia and related intolerance.

13. Mr. Barros focused on Brazil's experiences and challenges in combating discrimination. He highlighted that racism was an ideological structure and that any form of discrimination was incompatible with democracy.

14. Mr. Barros underscored the importance of the black movement in Brazil. He gave an historical overview of how Brazilian racist practices were addressed over the last 80 years in the country. He noted a number of achievements included in the new Constitution that was adopted in 1988, exactly 100 years after slavery had been abolished in Brazil. According to the new Constitution, every citizen was equal before the law and entitled to security, property and freedom of every sort. Article 68 of the Constitution also granted ownership of the lands to the remnants of *quilombo* communities. More than 50 per cent of the Brazilian population was made up of people of African descent and they were the main beneficiaries of public policies to reduce poverty. He further noted that poverty was reduced by 86 per cent in 10 years. He stressed that the Brazilian Government also strived to ensure a greater rate of participation of people of African descent in public offices and in schools. So far, 1.3 million black citizens had attended public colleges, mainly owing to the system of quotas.

15. Mr. Barros concluded by highlighting achievements made over the last 13 years in promoting racial equality policies, not just for the black population, but also for other minorities, youth and women. This had led to the creation of the Secretariat for the Promotion of Racial Equality on 21 March 2003, whose policies were aimed at reversing

the negative representation of black people, promoting equal opportunities and combating prejudice and racism.

16. Mr. Jamin focused on racist parties, noting that they were usually described as "far-right" parties. He specified that this did not mean that religious extremist parties did not constitute a problem for democracy. But, in general, parties advocating racism, xenophobia, islamophobia, anti-Semitism and incitement to discrimination put themselves on the extreme right. He referred to the definition of democracy and to the different battles for democratic legitimacy between traditional, or so-called democratic, parties and extreme-right parties.

17. With regard to the definition of democracy and the incompatibility between far-right parties and democracy, he stated that far-right parties defined democracy as the legitimation that resulted from elections and believed that, in order to be a democratic party, it had to abide by existing rules and procedures and needed to obtain enough votes to be legitimate and able to represent voters. For far-right parties, these criteria were sufficient for legitimacy. For traditional parties, on the other hand, this was indispensable, but not sufficient. Traditional parties also looked for the respect of some values and principles having their foundation in core international human rights instruments. For traditional parties, the pillar of "respecting electoral procedure" went hand in hand with the pillar of "fundamental human rights and values", so that the second pillar would monitor the first and prevent abuses.

18. Mr. Jamin stressed that the difference between the definition of democracy by far-right parties and by traditional parties was fundamental. It was not possible to organize a political system with popular parties, democratic procedures and regular elections while at the same time tolerate torture, arbitrary arrest, State-sponsored racism or other forms of discrimination and human rights violations.

19. He noted that, in practice, many traditional parties promoted public policies that directly or indirectly violated fundamental rights. An example of the way traditional parties violated human rights was the European policy toward migrants, which was adopted by traditional parties and governments, and which sometimes forced the expulsion of asylum seekers to their countries of origin. He recommended more discussion on the second pillar in State policies and in documents promoting democracy and providing information on acquiring citizenship or residence. He concluded that the second pillar was just as important as the first

20. Ms. Bozkurt referred to the current refugee crisis, which has deepened and rather normalized the racist discourse within the public debate and was helping the extreme right to become the voice for a large group of frightened and angry citizens. She underlined how the refugee crisis was initially considered a problem of only a few countries. But this changed drastically in 2015 owing to the increased influx of refugees, especially in Europe. Extreme-right leaders called for protests against asylum-seeker centres, describing male refugees as possible radical jihadists or potential rapists. The incidents that took place on New Year's Eve in Cologne, Germany, did not help either. It caused massive anger and a more racist attitude towards refugees. Even though it later turned out that hardly any refugees were involved, the damage had already been done.

21. Extreme-right parties always availed themselves of the right to freedom of expression and framed opposition to immigration in a way that was acceptable to a large number of people who were turned off by straightforward racism. They covered up their discourse as defending domestic traditions and values. While a Constitution or other legislation could not stand up, political leaders who respected it could, and silence would only help racism to increase. However, the rhetoric of mainstream parties came close to that of extreme-right parties in order to attract voters. It was not easy to define the borderline

between expressing oneself and insulting someone based on race, ethnicity or nationality and incitement to hatred. The European Union had the moral responsibility to sound the alarm when major social changes for the worse occurred within the borders of its member States, to adopt a strong position on emerging extremism and to create a holistic approach to safeguarding fundamental human rights in the European Union, otherwise democracy would be under serious threat.

22. Ms. Bozkurt described existing practices in combating racial discrimination through and in sports and underscored that the fight against racism needed more heroes speaking out loud, including football players, clubs, politicians, leaders and people in the streets.

IV. Summary of the discussion

23. During the ensuing discussion, contributions were made by representatives of Algeria, Belgium, Chile, China, Colombia, Cuba, Egypt, France, Georgia, Germany, Greece, Iran (Islamic Republic of), Italy, Mexico, Morocco, Nigeria, Pakistan (on its own behalf and on behalf of the Organization of Islamic Cooperation), Panama, Paraguay, Portugal, the Russian Federation, South Africa (on behalf of the African Group), Spain, the United Kingdom of Great Britain and Northern Ireland, Uruguay (on behalf of the Southern Common Market (MERCOSUR)) and Venezuela (Bolivarian Republic of), as well as the Council of Europe and the European Union.

24. Representatives of the following national human rights institutions and civil society organizations also took the floor: Friends World Committee for Consultation, International Movement against All Forms of Discrimination and Racism, Maarij Foundation for Peace and Development, UN Watch, Arab Commission for Human Rights, Iraqi Development Organization, and International Youth and Student Movement for the United Nations. Statements by the World Jewish Congress and the International Organization for the Elimination of All Forms of Racial Discrimination were not delivered owing to lack of time. Copies of their statements are, however, posted on the Human Rights Council extranet.

25. Many delegates began their statements by condemning political organizations based on racism, xenophobia, racial discrimination as well as any kind of legislation based on those ideas, which are incompatible with democracy.

26. One delegate, speaking on behalf of a group of States, noted that, 16 years after the first resolution on the incompatibility between democracy and racism had been adopted, racism, xenophobia and intolerance in public opinion and society seemed on the rise. Vulnerable groups, such as migrants, refugees, asylum seekers, indigenous peoples, minorities and lesbian, gay, bisexual and transgender persons continued to be victims of violence and attacks.

27. There was general agreement among the delegates that, even in the greatest democracies in the world, individuals belonging to vulnerable groups, such as migrants, refugees and minorities, continued to be victims of violence. Many delegates pointed out that the large-scale migration and terrorist acts had led to a proliferation of hatred and xenophobia that targeted some groups and stigmatized them on the grounds of culture or religion. The situation of vulnerable groups — mainly migrants — had worsened in recent months, which impeded the exercise of their rights to fully enjoy human rights.

28. Another delegate noted that, in some cases, xenophobic acts were justified on the basis of democratic values, which created a conceptual confusion that must be clarified.

29. Several Member States highlighted that democracy, transparency, participation, responsibility and respect for human rights were essential to preventing and eliminating

racism. Moreover, impunity for crimes committed with racist or xenophobic attitudes remained an impediment to strengthening democracy and the rule of law, as well as to the eradication of poverty and underdevelopment.

30. The representative of a non-governmental organization (NGO) stated that the non-implementation of United Nations resolutions was incompatible with democracy.

31. During the discussion, attention was also drawn to the role of education. It was agreed that universal, free and quality education represented a fundamental opportunity for eradicating poverty, promoting sustainable development and eliminating racism. Inclusive education measures were key instruments to neutralize the upsurge of extremist political groups, movements and parties and the best way to fight against racism, sexism and exclusion. The importance of fighting against all kinds of stereotypes through general awareness programmes was also highlighted. As long as school books depicted minorities in a pejorative way, racist attitudes would continue to flourish. Furthermore, the need to ensure access to culturally appropriate education for ethnic groups was underscored, in order to ensure the preservation of their traditional knowledge and to reaffirm the cultural diversity of countries.

32. Some delegates reaffirmed the commitment of their governments to the fight against racism and other forms of discrimination and to the strengthening of democracy, in line with the Durban Declaration and Programme of Action and the commitments under the International Decade for People of African Descent.

33. One delegate, speaking on behalf of a group of States, stressed that equality was contrary to any doctrine of superiority based on racial differentiation. The International Convention on the Elimination of All Forms of Racial Discrimination rightly terms such doctrines as scientifically false, morally condemnable and socially unjust and dangerous. Democracy and racism were intrinsically incompatible. In a democracy, responsibility to counter racial and religious intolerance rested with the majority that was controlling the State apparatus. The current increase in religious and racial profiling constituted a threat to the democratic order of societies.

34. Another delegate, speaking on behalf of a group of States, noted that, since political leaders and parties had a role to play in combating racism and relating intolerance, States should ensure that their political and legal systems actively promoted the multicultural diversity within their societies. They should improve democratic institutions to make them more participatory and inclusive, and avoid marginalization and exclusion of specific sectors of society.

35. Another delegate, speaking on behalf of a group of States, expressed concern about the current trend of increasing incidences of racist and xenophobic acts throughout all regions of the world and recognized that a vigorous approach was needed to combat it. Not only effective legal responses were needed, but also preventive measures that promoted social inclusion, acceptance and equality for all members of society. Legislation was not enough and there was a real need to look at practical ways to combat racism, racial discrimination, xenophobia and related intolerance.

36. Several delegates highlighted that respect for human rights, democracy and the rule of law were essential to prevent and combat racism, racial discrimination, xenophobia and related intolerance. Recalling the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence and its recommendations aimed at preventing racism and intolerance, some participants urged States to criminalize, prevent, discourage and combat discriminatory acts, as well as implement preventive measures in response to the threats posed by racism. They noted that combating and preventing racial discrimination was not the job of

governments alone. Civil society and the private sector had key roles to play and were important partners in tackling racism and other forms of discrimination.

37. Participants pointed out that in many places racism has become institutionalized and officialized at the expense of society, with certain politicians voicing extremist views that targeted Muslims, Arabs and people of African descent, despite the fact that they had integrated into the society. To counteract this trend, participants called for social harmony, cohesion and civil stability, as well as for the implementation of justice, tolerance and dialogue in the fight against racism and related intolerance.

38. Several delegates expressed concern at the fact that, 15 years after the adoption of the Durban Declaration and Programme of Action, racism still represented a reality in our daily life. Incidences of racial discrimination and even violence had been witnessed over the past months in all continents and under different political environments. Beyond legislation and regulation, effective institutions, both to enforce the law and to strengthen awareness of the need to fight racial discrimination, were needed. The reality required collective solutions at the local, national, regional and international levels.

39. One delegate affirmed that a democratic system was inclusive by definition and that a system in which democratic values were only granted for a part of the population could not be recognized as a democratic system. Participants also called on the moral responsibility of the international community to take urgent action against those who were undermining democratic values and propagating extremist ideology and violent extremism. Owing to its incompatibility with democracy, all manifestations of racism must be punished through both legislation and practice.

40. The representative of an NGO echoed the concerns expressed by the Committee on the Elimination of Racial Discrimination and the Human Rights Committee about the disproportionate impact that disenfranchisement legislation had on minorities.

41. One delegate urged States to take note of the more fundamental needs, like economic, cultural and collective rights, and their role in combating extremism and racism.

42. The representative of an NGO noted that the full implementation of the International Convention on the Elimination of All Forms of Racial Discrimination was an essential step to combating racism and promoting democracy, and expressed concern about the large number of States that had not yet submitted their initial or periodic reports by the due dates, which showed a lack of political will to combat racial discrimination.

43. In the same vein, some delegates urged States to fully and in good faith fulfil their obligations under the International Convention on the Elimination of All Forms of Racial Discrimination, including by withdrawing their reservations and adopting legislation prohibiting any public statement inciting national or religious hatred. They called on all States to reinforce their activities against racism through both national policies and dialogue with the Committee on the Elimination of Racial Discrimination, as well as with other international bodies.

44. Participants urged political leaders and parties to refrain from public statements and actions that incited racism, racial discrimination, xenophobia and related intolerance.

45. Several delegates referred to new formats for the dissemination of hate speech, for example, through social networks, and pointed out that this phenomenon was difficult to control. However, technology should not be used for criminal aim but rather to promote mutual respect, equality, equity, diversity and democracy.

46. One delegate pointed to the need to prosecute those who promoted hate speech, including through the Internet. The Internet is the reflection of the real world. If States were strict with their legislation, they should be able to apply the same standards with regard to

crimes committed through online platforms. Some delegates stated that governments ought to show solidarity with victims of racial discrimination and protect them efficiently. They felt that the rise in hate speech, especially online, required specific attention and enhanced measures.

47. One delegate offered that fighting racism meant creating new social models. Racism, xenophobia and hatred based on ethnic and religious grounds were major threats in the current global situation that was characterized by economic instability, which brought significant challenges to the full enjoyment of human rights by all. The current global situation also posed a threat to democracy, particularly by extremist parties and groups, including neo-Nazis that were now gaining alarming popularity. There was a great danger of falling into historical revisionism and misrepresenting historical accounts to achieve political interests, which was a characteristic feature of extremist parties and movements.

48. Another delegate said that everyone was entitled to a democratic international order. States must respect international principles and implement the Durban Declaration and Programme of Action and the outcome of the Durban Review Conference, as well as actively respect diversity and safeguard the rights of people to their path to development. Reducing inequalities and poverty for all must be a priority for all States.

49. Several delegations shared information about the different measures that had been taken at regional and national levels to combat racism and racial discrimination. These measures included legislative initiatives, the adoption and implementation of national and regional action plans against racial discrimination and on human rights and democracy, as well as tools and programmes on anti-discrimination aimed at a better implementation of policies against racism. Specific measures to protect vulnerable groups against racism were also mentioned, including the establishment of telephone hotlines and sending email messages to provide information around the clock to migrants and refugees in different languages.

50. One delegate noted that democracy was not expected to confer certain privileges and attributes to one race over another, given the racial mix of any State. Rather, democracy was expected to be an attribute that complemented racial unity, rather than segregation, and provided the basis for the unity of a State, furthering the cause of racial harmony and unity on the basis of equal rights and equal vote. Universal suffrage, the underlying principle in any democracy, grants the right to vote and is not restricted by race, sex, belief, wealth or social status.

51. One delegate mentioned that democracy expressed diversity and should accommodate diversity of ideology, opinion and religion of both minorities and majorities. At the same time, democracy must protect certain groups at risk from discrimination or intolerance and find the right balance between freedom of expression and mechanisms for the prevention of discrimination, intolerance and xenophobia. When xenophobic political parties, anti-immigrant policies and intolerance were justified by the right to freedom of speech, it was not possible to talk about real democracy.

52. Another delegate expressed support for the drafting of a United Nations declaration on the promotion of and respect for the human rights of people of African descent.

53. Delegations also urged States to renew their efforts in the fight against racism. Promoting tolerance and fighting against racism was a human rights obligation, but also an absolute necessity to maintain democratic and pluralistic societies.

V. Conclusions

54. In their concluding remarks, the panellists highlighted the essential role that education plays in addressing racism, racial discrimination, xenophobia and related intolerance. States were encouraged to support safe and inclusive school environments, where universal values were at the foreground. The panellists underlined the importance of coming to terms with each country's history, for instance by teaching the history of slavery, so that students could learn from the past. It was also important to ensure that the diversity of society was duly reflected in the personnel of school, as well as in public institutions such as national parliaments, the civil service sector, the police and the judiciary. The panellists further underlined the importance of combating racism and discrimination within public institutions.

55. With regard to leaders of political groups and parties who propagated hatred and promoted extremist ideologies for popularity and political legitimacy, the panellists noted that, in some countries, there were mechanisms to prohibit political parties if they were found to incite racial hatred or xenophobia. Another practice consisted in stopping the funds available to political parties, since in some countries official bodies could decide on the maintenance of public finance for political parties. At the same time, democratic parties could come together to oppose extremist parties. Finally, anti-racism legislation was the best means for breaking the political career of an extremist leader. When politicians could be banned from participating in elections, they might think twice before propagating racist speech.

56. The panellists also mentioned promoting anti-racial discrimination campaigns through and in sports, particularly football. Expressing great concern about new emerging forms of racism, particularly against vulnerable groups, including migrants, refugees and asylum seekers, the panellists underlined that more vigorous efforts were needed and that everyone had a role to play, including at the national, regional and international levels.

57. Finally, the panellists stated that the adoption and the full and effective implementation of national, regional and international legal frameworks, in line with the International Convention on the Elimination of All Forms of Racial Discrimination, the Durban Declaration and Programme of Action, the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence and the Programme of Activities for the Implementation of the International Decade for People of African Descent provided a strong basis for eliminating the conditions which caused or perpetuated racial discrimination.